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UNCLAS SECTION 01 OF 02 HANOI 000301

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E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [VM](#)

SUBJECT: STRONG GVN REACTION TO VIRGINIA FLAG BILL

REF: Hanoi 288

1. (SBU) Senior Vice Foreign Minister (VFM) Nguyen Dinh Bin told Ambassador on Sunday, February 9 that the Virginia House of Delegates' Bill (HB 2829) on displaying the flag of the former Republic of Vietnam is a "wrongdoing that has upset the GVN, the National Assembly, and the people of Vietnam." Passage by the Virginia State Senate would "set a very dangerous precedent" and "jeopardize the bilateral relationship," he claimed. VFM Bin also noted that mass organizations, such as the Vietnam-U.S. Friendship Society, are "mobilizing" against the bill. (Note: As of February 10, that Society, the Veterans Association, and the Vietnam Fatherland Front have already issued well-publicized denunciations of the bill. End note)

2. (SBU) VFM Bin, expanding on Assistant Foreign Minister Nguyen Duc Hung's remarks at a meeting with Charge on February 6 (reftel), said that the GVN's senior leadership was following the matter with "great concern." VFM Bin said that the GVN "appreciated" Deputy Secretary Armitage's recent letter to the Virginia legislative officials opposing the bill, viewing it as a "positive step."

3. (SBU) VFM Bin added that due to the "seriousness and urgency" of the matter, the GVN requested that the Ambassador relay to Washington the "feelings and concern of the GVN and the Vietnamese people."

4. (SBU) The Ambassador told Bin that he would relay the GVN's concerns, which are already "well-known in Washington." He reminded VFM Bin that the Virginia Senate had not passed the bill. The Ambassador explained to Bin that, under the federal system, states have considerable autonomy. However, if states venture into the foreign policy arena, the federal government can and does challenge them in court.

5. (SBU) The Ambassador cautioned VFM Bin against overreaction to the bill, noting that a strong GVN reaction could have the unintended effect of encouraging similar legislation in other states with large Vietnamese-American populations, such as Texas and California. He noted that legislation perceived as anti-GVN is usually brought forward by legislators representing constituencies with large Vietnamese-American populations. The Ambassador urged restraint, noting that the best long-term solution is for the GVN to develop a more creative strategy for reconciliation with the overseas Vietnamese community, many of whom feel alienated from the GVN. The Ambassador affirmed that on his trips back to Washington, he meets with Vietnamese-American groups in northern Virginia and elsewhere, explains that there have been many changes in Vietnam, and encourages them to visit. In those efforts, the Ambassador commented, "I am doing your job" and he observed very little similar effort by the GVN embassy to seek understanding with overseas Vietnamese communities. The Ambassador also noted that suggestions we have made for improving ties with the Vietnamese community in the U.S. have been ignored, such as allowing family members access to the Army of the Republic of Vietnam cemetery in Bien Hoa. "If you defile the graves of peoples' ancestors, don't be surprised if the descendants are still hostile," he noted. Summing up the history of the GVN's failure to pursue a policy of "reconciliation and concord," the Ambassador said that it is now "reaping what it had sown."

6. (SBU) In response, VFM Bin said that he "understood well" the US legal system, but affirmed that it is important to deal with this "emerging" problem in "all its aspects." If the US Administration explained all the "negative implications" of this bill to the Virginia legislature, the bill would probably not pass, he claimed. He denied that the GVN was overreacting, noting that the bill, if passed, would "hurt the most sacred feelings of the Vietnamese people."

7. (SBU) Concerning reconciliation, VFM Bin (the MFA official directly responsible for liaison with the overseas Vietnamese community) said that GVN policy in this area reflected the "tolerance of the Vietnamese people." Despite the fact that "many overseas Vietnamese have tried to harm

us in the past, we allow them to return to their country. I do not think that there is any other country as tolerant as Vietnam," Bin claimed.

18. (U) Separately, the MFA spokeswoman on February 7 said that "Vietnam vehemently demands that the Government and Congress of Virginia State take immediate measures to revoke such a wrongful bill." Her remarks were widely reported by the state media.

BURGHARDT